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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,504	04/06/2001	John Tree	SONI-5800	5728
36813	7590	03/09/2006	EXAMINER	
O'BANION & RITCHEY LLP/ SONY ELECTRONICS, INC.			MENGISTU, AMARE	
400 CAPITOL MALL			ART UNIT	
SUITE 1550			PAPER NUMBER	
SACRAMENTO, CA 95814			2673	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/827,504

Applicant(s)

TREE, JOHN

Examiner

Amare Mengistu

Art Unit

2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Response to Amendment***

1. The Affidavit filed on Aug.29,2005 under 37 CFR 1.131 is sufficient to overcome the Deguchi (6,578,047) reference.

### ***Claim Rejections - 35 USC § 112***

2. Claims 1-19,21-23,25,26-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The following claims recitation does not have support in the specification as originally filed. The specification does not enable one of ordinary skill in the art at the time of filing how to make or use the following claims limitations.

The recitation of claim 1, "***an input unit for inputting data marks wherein each said data mark indicates a time and contents content that is broadcasted at said time***"

The recitation of claim 11, "data marks include information corresponding to a **music file includes a text and an image information corresponding to said music file**";

The recitation of claim 12, "**wherein said input unit includes a spring loaded button**";

The claim limitation of 13, "**input unit includes a music broadcast mark button and a television broadcast mark button**";

The recitation of claim 16, "**wherein said external device includes one or more of a personal computer, a personal digital assistant, a television set, a mobile telephone, a pager, and a wireless communication device**"

The recitation of claim 19, "said music marks displayed by said external device includes one or more of a title of the music corresponding to said each music marks, a name of the artist corresponding to each music marks, **a title of the album corresponding to each music marks, and a graphical display of an album cover corresponding to each music marks**";

The claim limitation of 21, "**determining that maximum number of data marks have been received; and outputting an output signal responsive to said determining step**";

The recitation of claim 25, "**said data marks include one or more of a time stamp information and a date stamp information**";

The claim limitation of 26, "**detecting a connection to a gateway device; transmitting stored data marks to said gateway device; receiving data**

***corresponding to said data marks; and displaying said received data”,***

The claim recitation of 27, “***detecting a disconnection from said gateway device; and resetting said stored data marks”;***

The limitation of claim 28, “***wherein the resetting step includes deleting the stored data marks***”, and;

The recitation of claim 31, “***said received data includes one or more of text data, still image data, animated image data, and video data corresponding to the stored data marks***”.

Thus, applicant’s specification fails to enable one of ordinary skill in the art at time of filing to practice applicants invention.

Claims 2-10,12-18,22-23,28-30 are rejected since they depend on rejected claims 1,21 and 26.

### ***Drawings***

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “***an input unit for inputting data marks wherein each said data mark indicates a time and contents content that is broadcasted at said time***” (claim 1), “***said display unit displays said indication of received data marks by illuminating said corresponding one or more of said plurality of display panels***” (claim 9), “***said data marks include information corresponding to a music file***” (claim 10); “***said information corresponding to said***

**music file includes a text and an image information corresponding to said music file” (claim 11); “wherein said input unit includes a spring loaded button” (claim 12,); “input unit includes a music broadcast mark button and a television broadcast mark button” (claim 13)**

**‘said external device includes one or more of a personal computer, a personal digital assistant, a television set, a mobile telephone, a pager, and a wireless communication device “ (claim 16);” said external device is configured to correspondingly display said received data marks on said external device” (claim 17); “said data marks are music marks corresponding to music files and further, wherein said data marks displayed on said external device includes information corresponding to said each received music marks” (claim 18), “said music marks displayed by said external device includes one or more of a title of the music corresponding to said each music marks, a name of the artist corresponding to each music marks, a title of the album corresponding to each music marks, and a graphical display of an album cover corresponding to each music marks” (claim 19) , “detecting a connection to a gateway device; transmitting stored data marks to said gateway device; receiving data corresponding to said data marks; and displaying said received data” (claim 26), and “said received data includes one or more of text data, still image data, animated image data, and video data corresponding to the stored data marks”(claim 31).**

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1,2,3,4,7,8,20,32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Bedard (5,805,235)** (see, figs. 1 3-6).

6. Claims 1-8,20,22,25,32 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by **Sullivan (6,906,733)** (see, figs. 2,3-6).

7. Claims 1-11,14,20,22,25,32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Yoshinobu et al (5,686,954)** (see, figs. 10,15,17,18,).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Hanmada et al (6,931,198)**.

As to claim 26, **Hanmada et al.** discloses a method for detecting a connection (col.3, lines 45-53, col.4, lines 14-23, 39-44,fig.21 (F100, F101)); transmitting stored data marks (col. 2, lines 11-16,col.3, lines 11-23, col.5, lines 1-23); receiving data corresponding to said data marks; and displaying said received



data (col.5, lines 24-31, 50-67). It would have been obvious to one skill in the art to have recognize that **Hanmada et al's** connection is to a gateway device (see, fig.8). Furthermore, gateway device is a functional unit that interconnects a local area network (LAN) with another or a computer attached to one or more network (see, fig. 1 (4) is the interconnections of the area network).

10. Claims 1-20,24,25,32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Marks et al** (2002/0032019 A1) in view of **Yoshinobu et al** (5,686,954).

As to claims 1,20,32, **Marks et al** discloses an electronic data marker device, comprising: a display unit (see. Fig (CATEGORY...CHANNEL); and an input unit for inputting data marks wherein each said data mark indicates a time and contents content that is broadcasted at said time (Fig. 1 (rotatable dials), page 6 [0053], see, fig. 2 ("Minutes"), said display unit is configured to receive said data marks from said input unit and correspondingly display said data marks on said of display panels (page 6 [0058], [0059]). **Marks et al** did not expressly detailed the display including a plurality of display panels. However, the patent of **Yoshinobu et al** is cited to teach that it is well known for an electronic data device to have a plurality of display panels (see, figs. (15, 18,19)).

Therefore, it would have been obvious to one skill in the art at the time of the invention was made to have been motivated to incorporate **Yoshinobu et al** system of having plurality of displays into the display system of **Marks et al** because this will allow the user to view multiple images at one time to save time.

As to claim 2, **Marks et al** also discloses that the display unit includes one of a liquid crystal display, a cathode ray tube display, and a touchpad display unit ([0047], [0048]).

As to claim 3, **Yoshinobu et al** teaches that a base mounted to said display unit for vertically supporting said display unit (fig.9).

As to claim 4, **Yoshinobu et al** also teaches that each of said plurality of display panels on said display unit are non-overlapping (see, figs. 9,15).

As to claims 5,6,7 **Yoshinobu et al** further teaches that each of said plurality of panels have substantially the same dimensions/ a substantially uniform array/ a rectangular shape (see, figs. 9,15).

In regard to claim 8, **Yoshinobu et al** discloses said display unit is configured to selectively display an indication of said received data marks on a corresponding one or more of said plurality of display panels (fig.15)

As to claims 9,24,25 **Yoshinobu et al** also teaches that the display unit displays said indication of received data marks by illuminating said corresponding one or more of said plurality of display panels, date and time (see. Figs.15 (TOP 40'S),

also 18 and 19).

As to claims 10,11, **Marks et al.** teaches that the data marks include information corresponding to a music file includes a text information corresponding to said music file (see. figs.1, 5-7). It is well known for an electronic device to have the a music file to includes an image information corresponding to said music file.

As to claims 12,13, **Marks et al.** discloses an input unit (fig.1 (rotary dials). It is obvious to rotary dial to include a spring and said input unit includes a music broadcast mark button and a television broadcast mark button (page 6 [{0053}, {0056}]).

As to claims 14 and 15, **Marks et al.** also teaches that an output unit for coupling an external device (page 4 [0043]) and it is obvious for the output unit to have one or more of a USB port, a serial port, a parallel port, and an infra red (IR) port in order to be connected to PC or internet of wireless system.

As to claims 16,17,18 **Marks et al.** also discloses that the external device includes one or more of a personal computer, a personal digital assistant, a television set, a mobile telephone, a pager, and a wireless communication device and display said received data marks on said external device (page 4 [0043], page 6 [0056]).

In regard to claim 19, **Marks et al.** teaches that said music marks displayed by said external device includes one or more of a title of the music corresponding to said each music marks, a name of the artist corresponding to each music marks, a title of the album corresponding to each music marks, and a graphical display of an album cover corresponding to each music marks (see, [0024],[0029],[0043]).

### ***Response to Arguments***

11. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amare Mengistu whose telephone number is (571) 272-7674. The examiner can normally be reached on M-F,T-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3639. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Amare Mengistu  
Primary Examiner  
Art Unit 2673

AM

March 3, 2006